

## REMARKS

The application after amendment contains 39 claims. Claims 1, 9-11 and 21 are amended. Claims 37-39 are new.

### General Comments

Claim 1 has been amended to provide proper form, grammar and syntax to the claim.

Claims 9 and 10 have been amended to correct typographical errors.

Claim 21 has been amended to depend on independent claim 11 and to correct typographical errors.

### 35 U.S.C. §102 Rejection of Claims 1-36

The Examiner has rejected claims 1-36 for lacking novelty in view of 6,379,393 to *Mavroidis, et al* (“*Mavroidis*”). Applicants respectfully disagree with this indication in view of the amendments to claim 11, the only pending independent claim.

Claim 11 has been amended to include a “compliance mechanism” element. The compliance mechanism is used in some embodiments of the invention to apply a counteracting force to a patient’s movement away from a desired rehabilitation exercise trajectory, thereby improving compliance with the rehabilitation exercise. Support for this amendment can be found on page 9, lines 8-33 to page 10, lines 1-7; page 18, lines 15-18; page 76, lines 27-30; page 92, line 33; and page 95, line 28, *inter alia*, of the parent application WO 2005/074372. New claims further clarifying “compliance mechanism” are included as claims 37 (for at least one brake), 38 (for at least one resilient element) and 39 (compliance is optionally variable within a single exercise or between different exercises). Support for these new claims can be found on page 19, line 14 (for at least one brake), on page 19, lines 15-16 (for at least one resilient element) and on page 9, lines 9-11 and page 18, line 18 (for variable compliance), *inter alia*.

It is noted that while some of the *Mavroidis* devices are used for rehabilitative effects, there is nothing provided to them that is designed to enhance patient compliance with a specific rehabilitation exercise. In fact, the only discussion in the entire *Mavroidis* patent regarding “compliance” revolves around improving mechanical performance of “smart materials”. Therefore, independent claim 11 is novel in view of *Mavroidis* and all the claims dependent on claim 11 are also novel.

In view of the arguments and amendments made herein, an allowance of the claims is respectfully requested. In the event that the Examiner believes that there are problems which would make it impossible to issue an allowance for all the claims, the Examiner is respectfully requested to call the undersigned.

Respectfully submitted,

**/Jason H. Rosenblum/**

Jason H. Rosenblum  
Registration No. 56,437  
Telephone: 718.246.8482

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